2. Section 280.20 is amended by adding paragraph (c)(1)(ii)(C) to read as follows:

§ 280.20 Performance standards for new UST systems.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(C) Restrict flow 30 minutes prior to overfilling, alert the operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overfilling.

* * * * *

[FR Doc. 90-9587 Filed 4-26-90; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 799

[OPTS-42012I; FRL 3713-5]

Diethylenetriamine; Withdrawal of Proposed Test Requirement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rule.

SUMMARY: EPA is terminating rulemaking under the Toxic Substances Control Act (TSCA) for oncogenicity testing of Diethylenetriamine (DETA; CAS No. 111-40-0). EPA's decision is based on the analysis of scientific data submitted by the testing sponsors of DETA which demonstrated that the chemical is not mutagenic.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: EPA is withdrawing its proposed requirement under section 4(a) of TSCA for oncogenicity testing of DETA.

I. Introduction

EPA promulgated a final test rule for DETA (50 FR 21398, May 23, 1985), requiring testing of this chemical substance for oral subchronic (90-day) health effects in at least one mammalian species, for dermal absorption in the same mammalian species used for the subchronic study, for chemical fate under aerobic conditions, and *in vitro* and *in vivo* chromosomal aberrations (tiered testing sequences). Consistent with the Agency's approach of requiring oncogenicity bioassay testing under section 4 of TSCA when certain mutagenicity tests are positive, EPA proposed (50 FR 21413, May 23, 1985), under TSCA section 4(a)(1)(A) to require chronic oncogenicity bioassays of DETA in both rats and mice, if this substance exhibited positive test results in any of the following mutagenicity assays in the tiered mutagenicity testing sequences (for *in vivo* gene mutation testing and both *in vitro* and *in vivo* chromosomal aberration testing) required in the final test rule for DETA. These assays are: the sex-linked recessive lethal gene mutation assay in *Drosophila melanogaster*, the *in vitro* cytogenetics assay, and the *in vivo* cytogenetics assay.

II. Results from Required Testing

The Agency has reviewed the test results obtained from the DETA test rule, and has concluded that negative responses were exhibited in both the *in vitro* and *in vivo* cytogenetics assays. The Agency has also determined from evaluating data obtained with the sex-linked lethal test in *Drosophila melanogaster* that a positive response was not obtained. Therefore, EPA is withdrawing the proposed requirement for oncogenicity testing of DETA because positive results have not been observed for DETA in any of the three proposed triggering mutagenicity tests.

III. Rulemaking Record

EPA has established a record for this rulemaking (docket number OPTS-42012I). This record contains the basic information considered by EPA in developing this notice and appropriate Federal Register notices.

This record includes:

A. Supporting Documentation

(1) Federal Register notices pertaining to this rule, consisting of:

(a) Notice of proposed rules on DETA (47 FR 18386, April 29, 1982) and (50 FR 21413, May 23, 1985).

(b) Notice of final test rule on DETA (50 FR 21398, May 23, 1985).

(c) Notice containing the ITC designation of DETA to the priority list (46 FR 28138, May 22, 1981).

(d) Notice containing EPA's Good Laboratory Practice Standards (54 FR 34034, August 17, 1989).

(e) Notice of final rule on test development and exemption procedures for one-phase rulemaking (50 FR 20652, May 17, 1985).

(f) Notice of final rule concerning data reimbursement (48 FR 31786, July 11, 1983).

(g) Reports— published and unpublished factual materials, including mutagenicity testing results and evaluations on DETA.

(h) OTS Health Effects Test Guidelines— chronic oncogenicity bioassay testing (40 CFR 799.9300).

B. References

(1) The Dow Chemical Company. "Evaluation of Diethylenetriamine in an *in vitro* Chromosomal Aberration Assay Utilizing Chinese Hamster Ovary (CHO) Cells" (September 17, 1987).

(2) The Dow Chemical Company. "Evaluation of Diethylenetriamine in the Mouse Bone Marrow Micronucleus Test" (May 5, 1988).

(3) The Dow Chemical Company. "Evaluation of Diethylenetriamine in *Drosophila melanogaster* Sex-Linked Recessive Lethal Test" (May 10, 1988).

Therefore, 40 CFR 799.1575 (c)(5) Diethylenetriamine, proposed in the Federal Register of May 23, 1985 (50 FR 21413), is hereby withdrawn.

List of Subjects in 40 CFR Part 799

Chemicals, Environmental Protection, Hazardous substances, Laboratories, Reporting and recordkeeping requirements, Testing.

Dated: April 19, 1990.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 90-9858 Filed 4-26-90; 8:45 am]

BILLING CODE 6560-50-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-211, RM-7178]

Radio Broadcasting Services; Gretna, Marianna, Quincy and Tallahassee, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Dolcom Broadcasting, Inc., licensee of Station WTHZ(FM), Channel 276A, Tallahassee, Florida, seeking the substitution of Channel 276C2 for Channel 276A at Tallahassee, Florida, and modification of its license to specify operation on the higher class channel. The proposal to upgrade at Tallahassee requires the substitution of Channel 231A for vacant but applied for Channel 227A at Marianna, Florida, the substitution of Channel 227A for Channel 264A at Gretna, Florida, and modification of the construction permit (BMPH-870618IF) for Station WGWD(FM), and substitution of Channel 264A for vacant but applied for Channel 274A at Quincy, Florida. The coordinates for Channel